

ANTHONY WASHINGTON,)	
)	
Petitioner,)	
)	
vs.)	Case No. 4:09 CV 859 DJS(LMB)
)	
)	
MICHAEL BOWERSOX)	
)	
Respondent.)	

This matter is before the court on the petition of Anthony Washington for a writ of habeas corpus under 28 U.S.C. § 2254. This cause was referred to the undersigned United States Magistrate Judge for a Report and Recommendation pursuant to 28 U.S.C. § 636 (b).

The relevant federal statute provides that an “application for a writ of habeas corpus on behalf of a person in custody pursuant to the judgment of a State court shall not be granted unless it appears that the applicant has exhausted the remedies available in the courts of the State.” 28 U.S.C. § 2254(b)(1)(A).

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court.

Accordingly,

IT IS HEREBY RECOMMENDED that petitioner's Motion to Voluntarily Dismiss Petition for Writ of Habeas Corpus (Doc. No. 11) be **granted**.

The parties are advised they have fourteen (14) days in which to file written objections to this Report and Recommendation pursuant to 28 U.S.C. § 636 (b) (1), unless an extension of time for good cause is obtained, and that failure to file timely objections may result in a waiver of the right to appeal questions of fact.

Dated this 10th day of November, 2010.



LEWIS M. BLANTON
UNITED STATES MAGISTRATE JUDGE